

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on April 10, 2008 has been considered by the Examiner and made of record in the application file.

Drawings

2. The drawings received on June 28, 2005. These drawings are acceptable.

Allowable Subject Matter

3. Claims 25, 28, 33, 38, and 42 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claims 25 and 38**, the best prior art found during the examination of the present, **Igarashi et al. (US Patent # 6,836,464 B2)** in view of **Bosloy et al. (US Patent # 6,714,544 B1)**, fails to teach "... inspect a predefined portion of received call setup signaling message for information formatted as one or more Asynchronous Transfer Mode (ATM) generic transport information elements, and
if such information is present observed,
analyze the present ATM generic transportation information elements for a link utilization threshold value;
generate a dynamic local peer group horizontal link utilization value of the local peer group horizontal link based at least in part on the local peer group topology information updates,
the generated dynamic local peer group horizontal link utilization value corresponding to a current utilization of the local peer group horizontal link;

compare the local peer group horizontal link utilization value with the link utilization threshold value;"

Claims 26-27 are also allowed by virtue of their dependency on **claim 25**.

Regarding **claim 38**, the best prior art found during the examination of the present, **Igarashi et al. (US Patent # 6,836,464 B2)** in view of **Bosloy et al. (US Patent # 6,714,544 B1)**, fails to teach "... observing an ATM generic application transport information element included in the call setup signaling message, and responsive to observing the ATM generic application transport information element,

analyzing the present ATM generic application transport information element for a link utilization threshold value;

generating a dynamic link utilization value for a horizontal link contained within the local peer group based at least in part on the topology information;

comparing the dynamic link utilization value with the link utilization threshold value;"

Claims 39-41 are also allowed by virtue of their dependency on **claim 38**.

Regarding **claims 28 and 42**, the best prior art found during the examination of the present, **Bosloy et al. (US Patent # 6,714,544 B1)**, fails to teach "... formatting the generated signaling message to contain the information element,

the presence of the information element in the predefined format to trigger the remote receiving node located in the remote peer group to:

use the link utilization threshold value to determine whether a remote peer group horizontal link utilization exceeds the link utilization threshold value based on the synchronized remote peer group routing information;”

Claims 29-32 are also allowed by virtue of their dependency on **claim 28**.

Regarding **claim 42**, the best prior art found during the examination of the present, **Bosloy et al. (US Patent # 6,714,544 B1)**, fails to teach “... means for formatting the call setup signaling message with an opaque information element,

the opaque information element representing a link utilization threshold value;

wherein the opaque information element is sent through both first router preconfigured remote nodes that are configured to inspect for the opaque information elements and through non-configured remote nodes that are not configured for said inspection;

wherein the opaque information element triggers the pre-configured remote nodes to select between links for the virtual circuit connection according to a comparison of the link utilization threshold value to utilization of the links according to synchronized topology information associated with the remote peer group;”

Claims 43-47 are also allowed by virtue of their dependency on **claim 42**.

Regarding **claim 33**, the best prior art found during the examination of the present, **Igarashi et al. (US Patent # 6,836,464 B2)** in view of **Bosloy et al. (US Patent # 6,714,544 B1)**, fails to teach “... wherein the apparatus is operable to receive local peer group horizontal link utilization information flooded from other local peer

group nodes via the local peer group horizontal link; ... inquire within the local peer group for current local peer group horizontal link utilization information; and

directly control inclusion of the target link in a virtual circuit connection according to the local peer group horizontal link utilization information;

identify whether the target link is a remote peer group horizontal link contained within a remote peer group ... insert a link utilization limit into a predefined location within the call setup signaling message,

the presence of the link utilization limit in the predefined location to trigger the remote receiving node to control inclusion of the remote target link in the virtual circuit connection according to the link utilization limit."

Claim 34-37 are also allowed by virtue of their dependency on **claim 33**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or early communications from the Examiner should be directed to Salvador E. Rivas whose telephone number is (571) 270-1784. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Chirag G. Shah can be reached on (571) 272- 3144. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

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Salvador E. Rivas

S.E.R./ser

May 29, 2008

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2619